



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5948

by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

225 ILCS 25/4	from Ch. 111, par. 2304
225 ILCS 25/17	from Ch. 111, par. 2317
225 ILCS 25/18.1	

Amends the Illinois Dental Practice Act. Changes the requirement of additional course work for public health dental hygienists from 72 to 20 hours. Makes changes to provisions concerning expanded functions for dental assistants. Allows public health dental hygienists to continue patient care if a dentist is not available, except in cases of a serious medical condition.

LRB099 20560 SMS 45111 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Dental Practice Act is amended by
5 changing Sections 4, 17, and 18.1 as follows:

6 (225 ILCS 25/4) (from Ch. 111, par. 2304)

7 (Section scheduled to be repealed on January 1, 2026)

8 Sec. 4. Definitions. As used in this Act:

9 "Address of record" means the designated address recorded
10 by the Department in the applicant's or licensee's application
11 file or license file as maintained by the Department's
12 licensure maintenance unit. It is the duty of the applicant or
13 licensee to inform the Department of any change of address and
14 those changes must be made either through the Department's
15 website or by contacting the Department.

16 "Department" means the Department of Financial and
17 Professional Regulation.

18 "Secretary" means the Secretary of Financial and
19 Professional Regulation.

20 "Board" means the Board of Dentistry.

21 "Dentist" means a person who has received a general license
22 pursuant to paragraph (a) of Section 11 of this Act and who may
23 perform any intraoral and extraoral procedure required in the

1 practice of dentistry and to whom is reserved the
2 responsibilities specified in Section 17.

3 "Dental hygienist" means a person who holds a license under
4 this Act to perform dental services as authorized by Section
5 18.

6 "Dental assistant" means an appropriately trained person
7 who, under the supervision of a dentist, provides dental
8 services as authorized by Section 17.

9 "Dental laboratory" means a person, firm or corporation
10 which:

11 (i) engages in making, providing, repairing or
12 altering dental prosthetic appliances and other artificial
13 materials and devices which are returned to a dentist for
14 insertion into the human oral cavity or which come in
15 contact with its adjacent structures and tissues; and

16 (ii) utilizes or employs a dental technician to provide
17 such services; and

18 (iii) performs such functions only for a dentist or
19 dentists.

20 "Supervision" means supervision of a dental hygienist or a
21 dental assistant requiring that a dentist authorize the
22 procedure, remain in the dental facility while the procedure is
23 performed, and approve the work performed by the dental
24 hygienist or dental assistant before dismissal of the patient,
25 but does not mean that the dentist must be present at all times
26 in the treatment room.

1 "General supervision" means supervision of a dental
2 hygienist requiring that the patient be a patient of record,
3 that the dentist examine the patient in accordance with Section
4 18 prior to treatment by the dental hygienist, and that the
5 dentist authorize the procedures which are being carried out by
6 a notation in the patient's record, but not requiring that a
7 dentist be present when the authorized procedures are being
8 performed. The issuance of a prescription to a dental
9 laboratory by a dentist does not constitute general
10 supervision.

11 "Public member" means a person who is not a health
12 professional. For purposes of board membership, any person with
13 a significant financial interest in a health service or
14 profession is not a public member.

15 "Dentistry" means the healing art which is concerned with
16 the examination, diagnosis, treatment planning and care of
17 conditions within the human oral cavity and its adjacent
18 tissues and structures, as further specified in Section 17.

19 "Branches of dentistry" means the various specialties of
20 dentistry which, for purposes of this Act, shall be limited to
21 the following: endodontics, oral and maxillofacial surgery,
22 orthodontics and dentofacial orthopedics, pediatric dentistry,
23 periodontics, prosthodontics, and oral and maxillofacial
24 radiology.

25 "Specialist" means a dentist who has received a specialty
26 license pursuant to Section 11(b).

1 "Dental technician" means a person who owns, operates or is
2 employed by a dental laboratory and engages in making,
3 providing, repairing or altering dental prosthetic appliances
4 and other artificial materials and devices which are returned
5 to a dentist for insertion into the human oral cavity or which
6 come in contact with its adjacent structures and tissues.

7 "Impaired dentist" or "impaired dental hygienist" means a
8 dentist or dental hygienist who is unable to practice with
9 reasonable skill and safety because of a physical or mental
10 disability as evidenced by a written determination or written
11 consent based on clinical evidence, including deterioration
12 through the aging process, loss of motor skills, abuse of drugs
13 or alcohol, or a psychiatric disorder, of sufficient degree to
14 diminish the person's ability to deliver competent patient
15 care.

16 "Nurse" means a registered professional nurse, a certified
17 registered nurse anesthetist licensed as an advanced practice
18 nurse, or a licensed practical nurse licensed under the Nurse
19 Practice Act.

20 "Patient of record" means a patient for whom the patient's
21 most recent dentist has obtained a relevant medical and dental
22 history and on whom the dentist has performed an examination
23 and evaluated the condition to be treated.

24 "Dental responder" means a dentist or dental hygienist who
25 is appropriately certified in disaster preparedness,
26 immunizations, and dental humanitarian medical response

1 consistent with the Society of Disaster Medicine and Public
2 Health and training certified by the National Incident
3 Management System or the National Disaster Life Support
4 Foundation.

5 "Mobile dental van or portable dental unit" means any
6 self-contained or portable dental unit in which dentistry is
7 practiced that can be moved, towed, or transported from one
8 location to another in order to establish a location where
9 dental services can be provided.

10 "Public health dental hygienist" means a hygienist who
11 holds a valid license to practice in the State, has 2 years of
12 full-time clinical experience or an equivalent of 4,000 hours
13 of clinical experience and has completed 20 ~~72~~ hours of
14 additional course work in areas specific to public health
15 dentistry, including, but not limited to, emergency procedures
16 for medically compromised patients, pharmacology, medical
17 recordkeeping procedures, geriatric dentistry, pediatric
18 dentistry, and pathology, and works in a public health setting
19 pursuant to a written public health supervision agreement as
20 defined by rule by the Department with a dentist working in or
21 contracted with a local or State government agency or
22 institution or who is providing services as part of a certified
23 school-based program or school-based oral health program.

24 "Public health setting" means a federally qualified health
25 center; a federal, State, or local public health facility; Head
26 Start; a special supplemental nutrition program for Women,

1 Infants, and Children (WIC) facility; or a certified
2 school-based health center or school-based oral health
3 program.

4 "Public health supervision" means the supervision of a
5 public health dental hygienist by a licensed dentist who has a
6 written public health supervision agreement with that public
7 health dental hygienist while working in an approved facility
8 or program that allows the public health dental hygienist to
9 treat patients, without a dentist first examining the patient
10 and being present in the facility during treatment, (1) who are
11 eligible for Medicaid or (2) who are uninsured and whose
12 household income is not greater than 200% of the federal
13 poverty level.

14 (Source: P.A. 99-25, eff. 1-1-16; 99-492, eff. 12-31-15.)

15 (225 ILCS 25/17) (from Ch. 111, par. 2317)

16 (Section scheduled to be repealed on January 1, 2026)

17 Sec. 17. Acts constituting the practice of dentistry. A
18 person practices dentistry, within the meaning of this Act:

19 (1) Who represents himself or herself as being able to
20 diagnose or diagnoses, treats, prescribes, or operates for
21 any disease, pain, deformity, deficiency, injury, or
22 physical condition of the human tooth, teeth, alveolar
23 process, gums or jaw; or

24 (2) Who is a manager, proprietor, operator or conductor
25 of a business where dental operations are performed; or

- 1 (3) Who performs dental operations of any kind; or
- 2 (4) Who uses an X-Ray machine or X-Ray films for dental
3 diagnostic purposes; or
- 4 (5) Who extracts a human tooth or teeth, or corrects or
5 attempts to correct malpositions of the human teeth or
6 jaws; or
- 7 (6) Who offers or undertakes, by any means or method,
8 to diagnose, treat or remove stains, calculus, and bonding
9 materials from human teeth or jaws; or
- 10 (7) Who uses or administers local or general
11 anesthetics in the treatment of dental or oral diseases or
12 in any preparation incident to a dental operation of any
13 kind or character; or
- 14 (8) Who takes impressions of the human tooth, teeth, or
15 jaws or performs any phase of any operation incident to the
16 replacement of a part of a tooth, a tooth, teeth or
17 associated tissues by means of a filling, crown, a bridge,
18 a denture or other appliance; or
- 19 (9) Who offers to furnish, supply, construct,
20 reproduce or repair, or who furnishes, supplies,
21 constructs, reproduces or repairs, prosthetic dentures,
22 bridges or other substitutes for natural teeth, to the user
23 or prospective user thereof; or
- 24 (10) Who instructs students on clinical matters or
25 performs any clinical operation included in the curricula
26 of recognized dental schools and colleges; or

1 (11) Who takes impressions of human teeth or places his
2 or her hands in the mouth of any person for the purpose of
3 applying teeth whitening materials, or who takes
4 impressions of human teeth or places his or her hands in
5 the mouth of any person for the purpose of assisting in the
6 application of teeth whitening materials. A person does not
7 practice dentistry when he or she discloses to the consumer
8 that he or she is not licensed as a dentist under this Act
9 and (i) discusses the use of teeth whitening materials with
10 a consumer purchasing these materials; (ii) provides
11 instruction on the use of teeth whitening materials with a
12 consumer purchasing these materials; or (iii) provides
13 appropriate equipment on-site to the consumer for the
14 consumer to self-apply teeth whitening materials.

15 The fact that any person engages in or performs, or offers
16 to engage in or perform, any of the practices, acts, or
17 operations set forth in this Section, shall be prima facie
18 evidence that such person is engaged in the practice of
19 dentistry.

20 The following practices, acts, and operations, however,
21 are exempt from the operation of this Act:

22 (a) The rendering of dental relief in emergency cases
23 in the practice of his or her profession by a physician or
24 surgeon, licensed as such under the laws of this State,
25 unless he or she undertakes to reproduce or reproduces lost
26 parts of the human teeth in the mouth or to restore or

1 replace lost or missing teeth in the mouth; or

2 (b) The practice of dentistry in the discharge of their
3 official duties by dentists in any branch of the Armed
4 Services of the United States, the United States Public
5 Health Service, or the United States Veterans
6 Administration; or

7 (c) The practice of dentistry by students in their
8 course of study in dental schools or colleges approved by
9 the Department, when acting under the direction and
10 supervision of dentists acting as instructors; or

11 (d) The practice of dentistry by clinical instructors
12 in the course of their teaching duties in dental schools or
13 colleges approved by the Department:

14 (i) when acting under the direction and
15 supervision of dentists, provided that such clinical
16 instructors have instructed continuously in this State
17 since January 1, 1986; or

18 (ii) when holding the rank of full professor at
19 such approved dental school or college and possessing a
20 current valid license or authorization to practice
21 dentistry in another country; or

22 (e) The practice of dentistry by licensed dentists of
23 other states or countries at meetings of the Illinois State
24 Dental Society or component parts thereof, alumni meetings
25 of dental colleges, or any other like dental organizations,
26 while appearing as clinicians; or

1 (f) The use of X-Ray machines for exposing X-Ray films
2 of dental or oral tissues by dental hygienists or dental
3 assistants; or

4 (g) The performance of any dental service by a dental
5 assistant, if such service is performed under the
6 supervision and full responsibility of a dentist.

7 For purposes of this paragraph (g), "dental service" is
8 defined to mean any intraoral procedure or act which shall
9 be prescribed by rule or regulation of the Department.
10 Dental service, however, shall not include:

11 (1) Any and all diagnosis of or prescription for
12 treatment of disease, pain, deformity, deficiency,
13 injury or physical condition of the human teeth or
14 jaws, or adjacent structures.

15 (2) Removal of, or restoration of, or addition to
16 the hard or soft tissues of the oral cavity, except for
17 the placing, carving, and finishing of amalgam
18 restorations by dental assistants who have had
19 additional formal education and certification as
20 determined by the Department. A dentist utilizing
21 dental assistants shall not supervise more than 4
22 dental assistants at any one time for placing, carving,
23 and finishing of amalgam restorations.

24 (3) Any and all correction of malformation of teeth
25 or of the jaws.

26 (4) Administration of anesthetics, except for

1 monitoring of nitrous oxide, conscious sedation, deep
2 sedation, and general anesthetic as provided in
3 Section 8.1 of this Act, that may be performed only
4 after successful completion of a training program
5 approved by the Department. A dentist utilizing dental
6 assistants shall not supervise more than 4 dental
7 assistants at any one time for the monitoring of
8 nitrous oxide.

9 (5) Removal of calculus from human teeth.

10 (6) Taking of impressions for the fabrication of
11 prosthetic appliances, crowns, bridges, inlays,
12 onlays, or other restorative or replacement dentistry.

13 (7) The operative procedure of dental hygiene
14 consisting of oral prophylactic procedures, except for
15 coronal polishing and pit and fissure sealants, which
16 may be performed by a dental assistant who has
17 successfully completed a training program approved by
18 the Department. Dental assistants may perform coronal
19 polishing under the following circumstances: (i) the
20 coronal polishing shall be limited to polishing the
21 clinical crown of the tooth and existing restorations,
22 supragingivally; (ii) the dental assistant performing
23 the coronal polishing shall be limited to the use of
24 rotary instruments using a rubber cup or brush
25 polishing method (air polishing is not permitted); and
26 (iii) the supervising dentist shall not supervise more

1 than 4 dental assistants at any one time for the task
2 of coronal polishing or pit and fissure sealants.

3 In addition to coronal polishing and pit and
4 fissure sealants as described in this item (7), a
5 dental assistant who has at least 2,000 hours of direct
6 clinical patient care experience and who has
7 successfully completed a training program approved by
8 rule by the Department may perform: (A) coronal scaling
9 above the gum line, supragingivally, on the clinical
10 crown of the tooth only on patients 12 years of age or
11 younger who have an absence of periodontal disease and
12 who are not medically compromised or individuals with
13 special needs and (B) intracoronal temporization of a
14 tooth. The training program approved by the Department
15 must: (I) include a minimum of 16 hours of instruction
16 in both didactic and clinical manikin or human subject
17 instruction; all training programs shall include
18 courses in dental anatomy, public health dentistry,
19 medical history, dental emergencies, and managing the
20 pediatric patient; (II) include an outcome assessment
21 examination that demonstrates competency; (III)
22 require the supervising dentist to observe and approve
23 the completion of 10 ~~6~~ full mouth supragingival scaling
24 procedures; and (IV) issue a certificate of completion
25 of the training program, which must be kept on file at
26 the dental office. A dental assistant must have

1 successfully completed an approved coronal polishing
2 course prior to taking the coronal scaling course. A
3 dental assistant performing these functions shall be
4 limited to the use of hand instruments only. In
5 addition, coronal scaling as described in this
6 paragraph shall only be utilized on patients who are
7 eligible for Medicaid or who are uninsured and whose
8 household income is not greater than 200% of the
9 federal poverty level. A dentist may not supervise more
10 than 2 dental assistants at any one time for the task
11 of coronal scaling. This paragraph is inoperative on
12 and after January 1, 2021.

13 The limitations on the number of dental assistants a
14 dentist may supervise contained in items (2), (4), and (7)
15 of this paragraph (g) mean a limit of 4 total dental
16 assistants or dental hygienists doing expanded functions
17 covered by these Sections being supervised by one dentist.

18 (h) The practice of dentistry by an individual who:

19 (i) has applied in writing to the Department, in
20 form and substance satisfactory to the Department, for
21 a general dental license and has complied with all
22 provisions of Section 9 of this Act, except for the
23 passage of the examination specified in subsection (e)
24 of Section 9 of this Act; or

25 (ii) has applied in writing to the Department, in
26 form and substance satisfactory to the Department, for

1 a temporary dental license and has complied with all
2 provisions of subsection (c) of Section 11 of this Act;
3 and

4 (iii) has been accepted or appointed for specialty
5 or residency training by a hospital situated in this
6 State; or

7 (iv) has been accepted or appointed for specialty
8 training in an approved dental program situated in this
9 State; or

10 (v) has been accepted or appointed for specialty
11 training in a dental public health agency situated in
12 this State.

13 The applicant shall be permitted to practice dentistry
14 for a period of 3 months from the starting date of the
15 program, unless authorized in writing by the Department to
16 continue such practice for a period specified in writing by
17 the Department.

18 The applicant shall only be entitled to perform such
19 acts as may be prescribed by and incidental to his or her
20 program of residency or specialty training and shall not
21 otherwise engage in the practice of dentistry in this
22 State.

23 The authority to practice shall terminate immediately
24 upon:

25 (1) the decision of the Department that the
26 applicant has failed the examination; or

1 (2) denial of licensure by the Department; or

2 (3) withdrawal of the application.

3 (Source: P.A. 98-147, eff. 1-1-14; 98-463, eff. 8-16-13;
4 98-756, eff. 7-16-14; 99-492, eff. 12-31-15.)

5 (225 ILCS 25/18.1)

6 (Section scheduled to be repealed on January 1, 2021)

7 Sec. 18.1. Public health dental supervision
8 responsibilities.

9 (a) When working together in a public health supervision
10 relationship, dentists and public health dental hygienists
11 shall enter into a public health supervision agreement. The
12 dentist providing public health supervision must:

13 (1) be available to provide an appropriate level of
14 contact, communication, collaboration, and consultation
15 with the public health dental hygienist and must meet
16 in-person with the public health dental hygienist at least
17 quarterly for review and consultation;

18 (2) have specific standing orders or policy guidelines
19 for procedures that are to be carried out for each location
20 or program, although the dentist need not be present when
21 the procedures are being performed;

22 (3) provide for the patient's additional necessary
23 care in consultation with the public health dental
24 hygienist;

25 (4) file agreements and notifications as required; and

1 (5) include procedures for creating and maintaining
2 dental records, including protocols for transmission of
3 all records between the public health dental hygienist and
4 the dentist following each treatment, which shall include a
5 notation regarding procedures authorized by the dentist
6 and performed by the public health dental hygienist and the
7 location where those records are to be kept.

8 Each dentist and hygienist who enters into a public health
9 supervision agreement must document and maintain a copy of any
10 change or termination of that agreement.

11 Dental records shall be owned and maintained by the
12 supervising dentist for all patients treated under public
13 health supervision, unless the supervising dentist is an
14 employee of a public health clinic or federally qualified
15 health center, in which case the public health clinic or
16 federally qualified health center shall maintain the records.

17 If a dentist ceases to be employed or contracted by the
18 facility, the dentist shall notify the facility administrator
19 that the public health supervision agreement is no longer in
20 effect. A new public health supervision agreement is required
21 for the public health dental hygienist to continue treating
22 patients under public health supervision.

23 A dentist entering into an agreement under this Section may
24 supervise and enter into agreements for public health
25 supervision with 2 public health dental hygienists. This shall
26 be in addition to the limit of 4 dental hygienists per dentist

1 set forth in subsection (g) of Section 18 of this Act.

2 (b) A public health dental hygienist providing services
3 under public health supervision may perform only those duties
4 within the accepted scope of practice of dental hygiene, as
5 follows:

6 (1) the operative procedures of dental hygiene,
7 consisting of oral prophylactic procedures, including
8 prophylactic cleanings, application of fluoride, and
9 placement of sealants;

10 (2) the exposure and processing of x-ray films of the
11 teeth and surrounding structures; and

12 (3) such other procedures and acts as shall be
13 prescribed by rule of the Department.

14 Any patient treated under this subsection (b) must be
15 examined by a dentist before additional services can be
16 provided by a public health dental hygienist. However, if a
17 patient makes a good faith effort to be examined by a dentist
18 but one is not readily available, a public health dental
19 hygienist may offer to continue care until such time a dentist
20 can examine the patient, except when a public health dental
21 hygienist observes evidence of a serious medical condition, in
22 which case the patient should immediately be referred to a
23 dentist.

24 (c) A public health dental hygienist providing services
25 under public health supervision must:

26 (1) provide to the patient, parent, or guardian a

1 written plan for referral or an agreement for follow-up
2 that records all conditions observed that should be called
3 to the attention of a dentist for proper diagnosis;

4 (2) have each patient sign a permission slip or consent
5 form that informs them that the service to be received does
6 not take the place of regular dental checkups at a dental
7 office and is meant for people who otherwise would not have
8 access to the service;

9 (3) inform each patient who may require further dental
10 services of that need;

11 (4) maintain an appropriate level of contact and
12 communication with the dentist providing public health
13 supervision; and

14 (5) complete an additional 4 hours of continuing
15 education in areas specific to public health dentistry
16 yearly.

17 (d) Each public health dental hygienist who has rendered
18 services under subsections (c), (d), and (e) of this Section
19 must complete a summary report at the completion of a program
20 or, in the case of an ongoing program, at least annually. The
21 report must be completed in the manner specified by the
22 Division of Oral Health in the Department of Public Health
23 including information about each location where the public
24 health dental hygienist has rendered these services. The public
25 health dental hygienist must submit the form to the dentist
26 providing supervision for his or her signature before sending

1 it to the Division.

2 (e) Public health dental hygienists providing services
3 under public health supervision may be compensated for their
4 work by salary, honoraria, and other mechanisms by the
5 employing or sponsoring entity. Nothing in this Act shall
6 preclude the entity that employs or sponsors a public health
7 dental hygienist from seeking payment, reimbursement, or other
8 source of funding for the services provided.

9 (f) This Section is repealed on January 1, 2021.

10 (Source: P.A. 99-492, eff. 12-31-15.)